

EXHIBIT 13

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 --oo--
5 WAYMO LLC,
6 Plaintiff,
7 Case
8 vs. No. 3:17-cv-00939-WHA
9 UBER TECHNOLOGIES, INC.;
 OTTOMOTTO LLC; OTTO TRUCKING LLC,
9
 Defendants.

13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

15 VIDEOTAPED DEPOSITION OF KRISTINN GUDJONSSON
16 VOLUME II (Pages 243 to 467)
17 FRIDAY, SEPTEMBER 8, 2017

22 Reported by:
23 Anrae Wimberley
24 CSR No. 7778
25 Job No. 2703751

 Pages 243 - 467

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1	this investigation --	11:27:57
2	MR. BAKER: Objection to form.	11:27:59
3	BY MR. TAKASHIMA:	11:27:59
4	Q. -- as of May 3rd, 2016?	11:28:02
5	MR. BAKER: Objection to form.	11:28:02
6	THE WITNESS: Sorry. Could you repeat that	11:28:03
7	question.	11:28:04
8	BY MR. TAKASHIMA:	11:28:04
9	Q. Sure.	11:28:04
10	In your view, was there any further work that	11:28:11
11	IR needed to do for this investigation as of May 3rd,	11:28:15
12	2016?	11:28:16
13	A. I was pretty confident that there were, yes.	11:28:20
14	Q. And what work was that?	11:28:24
15	A. Could you be more specific.	11:28:27
16	Q. What other things did you think that IR	11:28:31
17	should be doing at this point?	11:28:34
18	A. What other things? I did not know. I just	11:28:37
19	knew that there were more.	11:28:39
20	Q. So you were pretty confident that there were	11:28:41
21	other things you should be doing, but you didn't know	11:28:43
22	what those were?	11:28:45
23	MR. BAKER: Objection to form.	11:28:48
24	THE WITNESS: At that point, I knew that there	11:28:49
25	were other things that we needed to take a look at,	11:28:52

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1	but I knew that other parts of the investigation was	11:28:54
2	ongoing and we had to stand by.	11:28:56
3	BY MR. TAKASHIMA:	
4	Q. So it was a matter of waiting for interface	11:28:59
5	with other parts of the investigation?	11:29:01
6	A. Yes.	11:29:04
7	Q. And what other parts of the investigation are	11:29:05
8	you referring to?	11:29:06
9	A. That's on the legal side. You would have to	11:29:10
10	ask them.	11:29:11
11	Q. Okay. Do you have any idea what other parts	11:29:14
12	of the investigation you're referring to?	11:29:16
13	A. No.	11:29:17
14	Q. Just some other investigation?	11:29:20
15	A. I just know that there was an investigation	11:29:22
16	ongoing.	11:29:23
17	Q. Why did you have to wait for them?	11:29:26
18	MR. BAKER: Objection to form.	11:29:29
19	THE WITNESS: Because we were waiting for more	11:29:31
20	input.	11:29:35
21	BY MR. TAKASHIMA:	11:29:35
22	Q. What input were you waiting for?	11:29:38
23	A. More requests.	11:29:40
24	Q. Who would those requests have come from? Do	11:29:51
25	you see what I'm trying to get at?	11:29:54

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1	MR. BAKER: Objection to form.	11:29:55
2	THE WITNESS: Are you looking for specific names	11:29:57
3	or roles or --	11:29:58
4	BY MR. TAKASHIMA:	11:29:58
5	Q. Roles.	11:29:59
6	A. That would come from -- most likely	11:30:07
7	from -- it would most likely come from legal.	11:30:12
8	Q. So at this point, you were waiting for the	11:30:14
9	lawyers to tell you what else you needed to do for the	11:30:17
10	investigation --	11:30:18
11	MR. BAKER: Objection to form.	11:30:19
12	BY MR. TAKASHIMA:	11:30:19
13	Q. -- is that correct?	
14	A. At this point, I was waiting for further	11:30:21
15	instructions.	11:30:23
16	Q. Further instructions from legal specifically?	11:30:25
17	MR. BAKER: Objection to form.	11:30:25
18	THE WITNESS: It can come from multiple sides.	11:30:29
19	BY MR. TAKASHIMA:	11:30:29
20	Q. Okay. Is there anybody else you were waiting	11:30:31
21	on instructions from other than legal?	11:30:33
22	A. It could be from GI.	11:30:35
23	Q. But Ms. Bijnens says, "Nothing further from	11:30:38
24	the GI side at this point"; correct?	11:30:40
25	A. "At this point," yes, which does not mean at	11:30:43

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1	no further time in the future.	11:30:46
2	Q. Okay. Could the instructions have come from	11:30:48
3	anybody else?	11:30:50
4	A. Chelsea.	11:30:51
5	Q. Anybody else?	11:30:52
6	A. Andrew Price.	11:30:53
7	Q. Okay. Mr. Price is an attorney; correct?	11:30:56
8	A. Yes.	11:30:56
9	Q. Anybody else?	11:30:59
10	A. Probably not.	11:31:00
11	Q. Just -- there are a few names at the top of	11:31:06
12	this e-mail chain.	
13	We've already discussed Ms. Bijnens. She's	11:31:08
14	in GI; correct?	11:31:10
15	A. She's in global investigations, yes.	11:31:12
16	Q. And Ms. Bailey is -- was the HR VP?	11:31:17
17	A. Yes.	11:31:17
18	Q. Mr. Price is ethics counsel; correct?	11:31:19
19	A. Yes.	11:31:19
20	Q. And who is Jade Wagner?	11:31:22
21	A. I'm actually not sure.	11:31:24
22	Q. She's an attorney; correct?	11:31:25
23	A. Probably.	11:31:27
24	Q. To the best of -- do you have any reason to	11:31:29
25	think she's not an attorney?	11:31:31

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1	A.	No.	13:27:54
2	Q.	Or how many times he e-mailed you?	13:27:57
3	A.	No.	13:27:57
4	Q.	Do you recall ever speaking with Mr. Gorman,	13:28:02
5		either in person or by phone or by videoconference?	13:28:06
6	A.	Videoconference, I think, yes.	13:28:08
7	Q.	How many times did you speak with Mr. Gorman	13:28:10
8		by videoconference?	13:28:11
9	A.	I have absolutely no idea.	13:28:14
10	Q.	Was it more than once?	13:28:16
11	A.	Could have been.	13:28:17
12	Q.	Was it more than five times?	13:28:19
13	A.	I don't know.	13:28:19
14	Q.	Was it more than twice?	13:28:21
15	A.	Could have been.	13:28:22
16	Q.	Was it more than three times?	13:28:24
17	A.	Not sure.	13:28:25
18	Q.	Somewhere between one and five times; is that	13:28:27
19		fair?	13:28:30
20	MR. BAKER:	Objection to form.	13:28:30
21	THE WITNESS:	I honestly couldn't tell. Probably,	13:28:33
22		but I couldn't tell.	
23	BY MR. TAKASHIMA:		
24	Q.	At least once.	13:28:34
25	A.	At least once.	13:28:35

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1	Q.	Okay. When did you speak with Mr. Gorman?	13:28:38
2	A.	I don't remember. Probably around this time	13:28:40
3		frame.	13:28:40
4	Q.	And who else was in that discussion?	13:28:43
5	A.	Gary Brown would have been.	13:28:45
6	Q.	Anybody else?	13:28:46
7	A.	Not sure.	13:28:48
8	Q.	Is it fair to say you don't recall anybody	13:28:53
9		else being part of that discussion?	13:28:55
10	A.	There might have been, but I don't recall,	13:28:58
11		no.	13:28:58
12	Q.	And what was the purpose of that discussion?	13:29:02
13	A.	Discussion of the investigation.	13:29:05
14	Q.	In as much detail as you can recall, what did	13:29:07
15		you discuss?	13:29:09
16	A.	Status of the investigation.	13:29:11
17	Q.	And at the time you spoke, what was the	13:29:13
18		status of the investigation?	13:29:15
19	A.	Depends on when we spoke.	13:29:17
20	Q.	Do you recall when you spoke?	13:29:18
21	A.	No.	13:29:18
22	Q.	So you don't recall what status of the	13:29:22
23		investigation you recounted to Mr. Gorman; is that	13:29:26
24		fair?	
25	A.	No.	13:29:27

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1	Q. On that same spectrum of here's a substantive	13:41:54
2	response versus, "Okay, I understand what you said to	13:41:56
3	me," where was his response, to the best of your	13:42:00
4	recollection?	13:42:00
5	MR. BAKER: Objection to form.	13:42:01
6	THE WITNESS: I have to assume closer to the,	13:42:03
7	"Okay. Thank you."	13:42:04
8	BY MR. TAKASHIMA:	13:42:04
9	Q. Now, the fourth name here is Rachael Meny;	13:42:09
10	correct?	13:42:09
11	A. Yes.	13:42:09
12	Q. Do you recognize that name?	13:42:11
13	A. You asked me that a couple minutes ago.	13:42:14
14	Q. I did.	13:42:14
15	A. And I -- no, I don't remember.	13:42:19
16	Q. Do you recall ever communicating with Rachael	13:42:23
17	Meny?	13:42:23
18	A. I could have, but I don't remember.	13:42:26
19	Q. Is it fair to say that, as you sit here, you	13:42:27
20	don't recall what her involvement was in the	13:42:30
21	departures investigation?	13:42:31
22	A. Not that I remember, no.	13:42:32
23	Q. Okay. If you look at the third page. It	13:42:52
24	should be marked 86954.	13:42:57
25	A. 54. Okay.	13:42:59

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1	A. Yes.	14:43:58
2	Q. If you pull up Exhibit 2256 --	14:44:11
3	A. Yes.	14:44:11
4	Q. Is that the document that would have been at	14:44:13
5	that link?	14:44:15
6	MR. BAKER: Objection to form.	14:44:18
7	THE WITNESS: I do not know all the Google IDs for	14:44:22
8	documents. It could be.	14:44:26
9	BY MR. TAKASHIMA:	14:44:26
10	Q. Do you recall who wrote the rough initial	14:44:32
11	investigation plan referenced in the meeting notes?	14:44:35
12	A. No. I can tell you it wasn't me.	14:44:42
13	Q. Do you know -- do you know whether you ever	14:44:48
14	knew who drafted the initial investigation plan?	14:44:52
15	A. I'm sure I knew.	14:44:54
16	Q. But you don't recall as you sit here today?	14:44:57
17	A. No.	14:44:57
18	Q. You did not ever examine Anthony	14:45:24
19	Levandowski's Workstation; is that correct?	14:45:26
20	A. Workstation, no.	14:45:27
21	Q. Did you ever discuss with Mr. Brown whether	14:45:33
22	either of you should investigate the Workstation?	14:45:36
23	A. I think we had that conversation, yes.	14:45:41
24	Q. What did the two of you say to each other in	14:45:44
25	that discussion?	14:45:44

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1	the page that follows.	16:27:41
2	A. Okay.	16:27:42
3	Q. Here Mr. Gorman says, in the last paragraph,	16:27:49
4	"FYI: We're not . . . seeing any obvious signs of	16:27:52
5	trade secret theft in Google Drive activity. That's	16:27:56
6	not surprising, as these engineers would have [known]	16:27:59
7	that their Google Drive activity is logged."	16:28:02
8	Do you see that?	16:28:03
9	A. I can see that, yes.	16:28:04
10	Q. Did you ever talk to Mr. Gorman about whether	16:28:07
11	there were any signs of trade secret theft associated	16:28:12
12	with the investigations that were going on other than	16:28:14
13	through e-mails like this?	16:28:16
14	MR. BAKER: Objection to form.	16:28:18
15	THE WITNESS: No.	16:28:21
16	BY MR. CHATTERJEE:	16:28:21
17	Q. Do you have any understanding as to why	16:28:23
18	Mr. Gorman would be telling you that he's not seeing	16:28:26
19	any obvious signs of trade secret theft?	16:28:30
20	MR. BAKER: Same objection.	16:28:31
21	THE WITNESS: You would have to ask him.	16:28:34
22	BY MR. CHATTERJEE:	16:28:34
23	Q. And there's a reference in here to	16:28:46
24	"externally shared files."	16:28:48
25	Do you see that?	16:28:49

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1	A. Yes.	16:28:55
2	Q. And what were -- do you know what those	16:28:57
3	externally shared files are that he's referring to	16:29:00
4	there?	16:29:01
5	A. I would assume -- and I'm assuming, which is	16:29:03
6	not something I should be doing -- that that would be	16:29:06
7	a Cloudlock export of files that were externally	16:29:09
8	shared.	16:29:10
9	Q. If you look down lower on that string,	16:29:12
10	there's an e-mail from you dated 2:03 p.m. [sic].	16:29:16
11	And it says, "So we have the list of	16:29:18
12	documents that were shared externally, but owned by	16:29:22
13	affected accounts listed -- as listed in the master	16:29:25
14	sheet."	16:29:25
15	A. Yes, that is the document.	16:29:27
16	Q. Is this the document that you were sharing	16:29:29
17	externally?	16:29:30
18	A. So, yes, this is the document that we're	16:29:32
19	referring to. This is the document that shows -- this	16:29:38
20	is what we use Cloudlock for. It would list the	16:29:42
21	owners, which are the people that we're looking at.	16:29:45
22	And we would search for every document that they own	16:29:49
23	that is shared by account, that is non-Google account.	16:29:53
24	Q. Do you know if this file exists today?	16:29:58
25	A. I would assume so.	16:30:00

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1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby
declare:

3 That, prior to being examined, the witness named
4 in the foregoing deposition was by me duly sworn
pursuant to Section 30(f)(1) of the Federal Rules of
5 Civil Procedure and the deposition is a true record of
the testimony given by the witness;

6 That said deposition was taken down by me in
7 shorthand at the time and place therein named and
thereafter reduced to text under my direction;

8 ----- That the witness was requested to
9 review the transcript and make any changes to the
transcript as a result of that review pursuant to
10 Section 30(e) of the Federal Rules of Civil Procedure;

11 ----- No changes have been provided by the
witness during the period allowed;

12 ----- The changes made by the witness are
13 appended to the transcript;

14 ---X--- No request was made that the transcript
be reviewed pursuant to Section 30(e) of the Federal
15 Rules of Civil Procedure.

16 I further declare that I have no interest in the
event of the action.

17 I declare under penalty of perjury under the laws
18 of the United States of America that the foregoing is
true and correct.

19 WITNESS my hand this 9th day of September, 2017.

20
21
22
23


24 ANRAE WIMBERLEY
CSR NO. 7778
25